

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

UNITED STATES OF AMERICA	*	CRIMINAL NO.	6:10-CR-00262
	*		
VERSUS	*		
	*	JUDGE	REBECCA F. DOHERTY
SIDNEY J. HEBERT (1),	*		
ENVIRONMENTAL COMPLIANCE (2)	*		
SOLUTIONS, LLC	*	MAGISTRATE	C. MICHAEL HILL

BILL OF INFORMATION

THE UNITED STATES ATTORNEY CHARGES:

INTRODUCTION

The defendant, SIDNEY J. HEBERT, and other uncharged individuals, owned a Limited Liability Company (hereinafter “LLC”) registered with the Louisiana Secretary of State as Environmental Compliance Solutions, LLC (hereinafter “ECS”). ECS was formed for the purpose of wastewater treatment and discharge pursuant to a permit issued by the State of Louisiana pursuant to its authority under Title 33, United States Code, section 1342 and other related Federal Statutes and Regulations.

The permit issued to ECS allowed the company to operate as a Centralized Waste Treatment Facility authorized to discharge treated barge wash water, bilge and ballast waters, internal vacuum tank wash water, used crude inland oil spill waters, used oil and diesel fuel tank wash water, sanitary wastewater, wash water from oilfield equipment and vessels, industrial oily wastewater, slop wastewater, stormwater, wash down water, and kitchen grease wastewater, into an unnamed canal, ultimately into the Commercial Canal located in the Port of Iberia.

The permit issued to ECS required:

- Actual use of the approved treatment train facility;
- ECS to keep records and logs of wastewaters treated and discharged;
- Sampling at a frequency of once a week for certain parameters such as Flow, BOD5, oil and grease;
- Sampling at a frequency of once a month for other parameters;
- Documentation of weekly and monthly total Flow estimates;
- Annual Certification Statements, including operation and maintenance procedures documenting proper maintenance of the treatment system;
- Storm Water Prevention Plan; and
- Use of an unmodified treatment train and schematic certified for the facility as indicated in the permit application, or Annual Certification Statements and supporting documentation establishing that the current modified treatment train will achieve the same results.

Negligent Operation of Water Treatment Facility
Permitted under the Clean Water Act

[33 U.S.C. § 1319(c)(1)(A); 18 U.S.C. § 2(b)]

COUNT 1

Beginning on or about June 1, 2007, and continuing until on or about June 4, 2009, the defendant, SIDNEY J. HEBERT, the manager, president and responsible corporate officer for ECS, negligently violated permit conditions and limitations for the permit issued to ECS by failing to maintain required documentation, testing, plans and reports as mandated by the permit,

all in violation of Title 33, United States Code, Section 1319(c)(1) and Title 18, United States Code, Section 2(b). [18 U.S.C. § 1319(c)(1)(A) and 18 U.S.C. § 2(b).]

Negligent Operation of Water Treatment Facility
Permitted under the Clean Water Act

[33 U.S.C. § 1319(c)(1)(A); 18 U.S.C. § 2(b)]

COUNT 2

On or about June 2, 2009, the defendant, ENVIRONMENTAL COMPLIANCE SOLUTIONS, LLC, negligently violated permit conditions and limitations for the permit issued to ECS by discharging wastewater with pollutants into an unnamed commercial and industrial canal without sending the wastewater through the treatment train and process approved by the State of Louisiana and allowed by the permit issued to ECS, all in violation of Title 33, United States Code, Section 1319(c)(1) and Title 18, United States Code, Section 2(b). [18 U.S.C. § 1319(c)(1)(A) and 18 U.S.C. § 2(b).]

Respectfully submitted by:

STEPHANIE A. FINLEY
United States Attorney

By: _____

MYERS P. NAMIE, Bar No. 29359
Assistant United States Attorney
800 Lafayette Street, Suite 2200
Lafayette, LA. 70501
Telephone: (337) 262-6618